

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THE OFFICIAL COMMITTEE OF)	
UNSECURED CREDITORS OF)	
ALLEGHENY HEALTH, EDUCATION)	
AND RESEARCH FOUNDATION,)	
)	Civil Action No. 00-684
Plaintiff,)	
)	
v.)	Judge Cercone
)	
PRICEWATERHOUSECOOPERS, LLP,)	Electronically Filed
)	
Defendant.)	

**THE COMMITTEE'S MOTION TO
PERPETUATE THE TESTIMONY OF ROBERT W. BERLINER**

Pursuant to Fed. R. Civ. P. 27(b), The Official Committee of Unsecured Creditors of Allegheny Health, Education and Research Foundation moves this Court for an order authorizing it to perpetuate the trial testimony of one of its expert witnesses while this case is on appeal before the United States Court of Appeals for the Third Circuit and no later than September 27, 2007. The expert witness is Robert W. Berliner, an accountant and auditor, whose business address is Marks, Paneth & Shron, LLP, 622 Third Avenue, New York, New York 10017.

For the reasons set forth in the accompanying memorandum in support, the Committee, during the pendency of this appeal, seeks to elicit testimony from Mr. Berliner that is consistent with the opinions set forth in his report in this case.

This motion is supported by an accompanying brief in support, a proposed order is attached, and a Local Rule 7.1(C) certification is set out below.

Dated: April 9, 2007

Respectfully submitted,

/s/ James M. Jones

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LOCAL RULE 7.1(C) CERTIFICATE

The undersigned counsel for the Committee certifies that in an effort to resolve the discovery dispute that is the subject of this motion, counsel for both parties spoke by telephone on March 6, 2007 and on one earlier occasion. Despite a good faith effort to resolve these issues without the necessity of court intervention, the parties have been unable to reach a mutually acceptable resolution of their dispute.

Dated: April 9, 2007

/s/ James M. Jones

James M. Jones (PA # 81295)